

**SUPREME COURT MINUTES
THURSDAY, NOVEMBER 19, 1998
SAN FRANCISCO, CALIFORNIA**

S009522 People, Respondent

v.

Lester Robert Ochoa, Appellant

The time for granting or denying a rehearing in the above cause is hereby extended to and including February 3, 1999, or the date upon which a rehearing is either granted or denied, whichever occurs first.

S054868 Khalid Khawar, Respondent

v.

Globe International Inc., Appellant

The time for granting or denying a rehearing in the above cause is hereby extended to and including January 31, 1999, or the date upon which a rehearing is either granted or denied, whichever occurs first.

9th Cir. Los Angeles Alliance for Survival et al., Plaintiffs and Respondents

97-56742 v.

S073451 City of Los Angeles et al., Defendants and Appellants

By order filed November 4, 1998, this court accepted the request for certification in this matter from the United States Court of Appeals for the Ninth Circuit. Pursuant to rule 29.5(f) of the California Rules of Court, this court restated the certified question as follows: “What is the proper standard under article I, section 2 of the California Constitution for analyzing the constitutionality of ordinances governing solicitations, such as Los Angeles ordinance No. 171664?” Our November 4 order also provided, “[t]he certifying court is requested to notify this court within 10 days should it have any objection to this court’s restatement of the certified question. Briefing shall be deferred pending further order of this court. . . .”

Having received written notice from the Court of Appeals for the Ninth Circuit that it has no objection to the restatement of the certified question, the court hereby orders briefing on the above-stated question. Briefing shall be conducted consistently with California Rules of Court, rule 29.3 (see rule 29.5(g)(1)) as follows: City of Los Angeles et al., appellants, shall serve and file an original and 14 copies of an opening brief on the merits, within 30 days of the filing of this order. Thereafter, Los Angeles Alliance for

Survival et al., respondents, shall serve and file an original and 14 copies of a brief on the merits, within 30 days of the filing of appellants' opening brief on the merits. Within 20 days of the filing of respondents' brief, appellants may serve and file an original and 14 copies of a reply brief.

S021331 People, Respondent

v.

Curtis Lee Ervin, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's reply brief is extended to and including December 14, 1998.

S039632 People, Respondent

v.

Robert P. Wilson, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including January 19, 1999, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S068865 In re Louis Francis

on

Habeas Corpus

On application of the Attorney General and good cause appearing, it is ordered that the time to serve and file the informal response is extended to and including December 20, 1998.

S070377 Glenn Barner, Appellant

v.

Julie Leeds, Respondent

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's answer brief on the merits is extended to and including December 1, 1998.

S069522 Peter Alan Kasler et al., Appellants

v.

Daniel E. Lungren et al., Respondents

The application of Center to Prevent Handgun Violence, California Police Chiefs' Association, California Peace Officers' Association, California State Sheriffs' Association and City and County of San Francisco for permission to file an amicus curiae brief in support of respondent is hereby granted.

An answer thereto may be served and filed by any party within twenty days of the filing of the brief.

S043628 People, Respondent

v.

Celeste Simone Carrington, Appellant

Upon request of appellant for appointment of counsel, Andrew S. Love is hereby appointed to represent appellant Celeste Simone Carrington for the direct appeal in the above automatic appeal now pending in this court.

S045184 People, Respondent

v.

Steven Wayne Bonilla, Appellant

Upon request of appellant for appointment of counsel, David A. Nickerson is hereby appointed to represent appellant Steven Wayne Bonilla for both the direct appeal and related state habeas corpus/executive clemency proceedings, in the above automatic appeal now pending in this court.

S074756 Royal Edward Glaude, Petitioner

v.

Los Angeles County Superior Court, Respondent

Patti Sue Kitching et al., Real Parties in Interest

The above entitled matter is transferred to the Court of Appeal, Second Appellate District.

S062313 In the Matter of the Suspension of Attorneys

Pursuant to Rule 962 California Rules of Court

Having been provided proof of compliance pursuant to subdivision (1) of section 11350.6 of the Welfare and Institutions Code, the suspension of **Robert Earl Mitchell**, pursuant to our order filed on September 4, 1998, is hereby terminated.

This order is final forthwith.

S073084 In re **Walter Wenko** on Discipline

It is hereby ordered that **Walter Wenko** be disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is also ordered to comply with rule 955, California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Business & Professions Code, § 6126, subd. (c).)

S073086 In re **Mary Ann Olson** on Discipline

It is ordered that **Mary Ann Olson** be suspended from the practice of law for two years, that execution of suspension be stayed, and that she be placed on probation for three years on condition that she be actually suspended for 60 days. She is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order regarding stipulation filed June 22, 1998. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Bus. & Prof. Code section 6086.10 and payable in accordance with Bus. & Prof. Code section 6140.7, as amended effective January 1, 1997.

S073135 In re **Raymond J. Kim** on Discipline

It is ordered that **Raymond J. Kim** be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 90 days and until he makes restitution to Dennis Kaye or the Client Security Fund, if it has paid, in the amount of \$500 plus 10% interest from March 30, 1995, and furnishes

satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel. He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its decision filed June 18, 1998, as modified by its order filed July 8, 1998. If the period of actual suspension exceeds two years, he shall remain actually suspended until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Bus. & Prof. Code section 6086.10, and are payable in accordance with Bus. & Prof. Code section 6140.7.

*(See Business & Professions Code, § 6126, subd. (c).)

S073136 In re **Mark A. Ukra** on Discipline

It is ordered that **Mark A. Ukra** be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including one year actual suspension, recommended by the Hearing Department of the State Bar Court in its order regarding stipulation filed June 3, 1998. It is further ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and shall be paid as recommended by the State Bar Court order of June 3, 1998.

*(See Business & Professions Code, § 6126, subd. (c).)

S073138 In re **Gary Paul Miller** on Discipline

It is ordered that **Gary Paul Miller** be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for five years on condition that he be actually suspended for one year. He is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order regarding stipulation filed June 22, 1998, as modified by its order filed July 9, 1998. It is also ordered that he take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension or within four years, whichever period is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) He is further ordered to comply with rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Bus. & Prof. Code section 6086.10 and are payable in accordance with section 6140.7, as amended effective January 1, 1997.

*(See Business & Professions Code, § 6126, subd. (c).)

S073139 In re **Ronald Kent Ramstead** on Discipline

It is hereby ordered that **Ronald Kent Ramstead** be disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is also ordered to comply with rule 955, California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Business & Professions Code, § 6126, subd. (c).)

S073141 In re **Gary Keith Salomons** on Discipline

It is ordered that **Gary Keith Salomons** be suspended from the practice of law for two years, that execution of suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including one year actual suspension, recommended by the Hearing Department of the State Bar Court in its order dated June 22, 1998, approving stipulation filed June 23,

1998. Credit for the period of actual suspension shall be given for the period of interim suspension which commenced on September 24, 1997. (*In re Young* (1989) 49 Cal.3d 257, 270.) It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and shall be paid as recommended by the State Bar Court pursuant to its order dated June 22, 1998.

S073148 In re **Mark Raymond Clyne** on Discipline

It is hereby ordered that **Mark Raymond Clyne** be disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is also ordered to comply with rule 955, California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Business & Professions Code, § 6126, subd. (c).)

S073151 In re **Louis Steven Sanchez** on Discipline

It is ordered that **Louis Steven Sanchez** be suspended from the practice of law for four years, that execution of suspension be stayed, and that he be placed on probation for four years on condition that he be actually suspended for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. He is further ordered to comply with the other conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its order regarding stipulation filed June 23, 1998, as modified by its order filed September 3, 1998. It is also ordered that he take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) He is further ordered to comply with rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Bus. & Prof. Code section

6086.10 and are payable in accordance with Bus. & Prof. Code section 6140.7, as amended effective January 1, 1997.

*(See Business & Professions Code, § 6126, subd. (c).)

S073152 In re **Mark W. Lally** on Discipline

It is hereby ordered that **Mark W. Lally** be disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is also ordered to comply with rule 955, California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Business & Professions Code, § 6126, subd. (c).)

S073154 In re **Melody Lynn Jolly** on Discipline

It is ordered that **Melody Lynn Jolly** be suspended from the practice of law for three years and until she has shown proof satisfactory to the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that she be placed on probation for four years on condition that she be actually suspended for two years and until she makes the showing required by standard 1.4(c)(ii). She is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order regarding stipulation filed May 29, 1998. It is also ordered that she take and pass the Multistate Professional Responsibility Examination during the period of her actual suspension or within one year, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Credit toward the period of actual suspension shall be given for the period of interim suspension which commenced on May 24, 1996 (*In re Young* (1989) 49 Cal.3d 257, 270). Costs are awarded to the State Bar pursuant to Bus. & Prof. Code section 6086.10 and one-third of said costs shall be added to and become part of the membership fees for the years 1999, 2000 and 2001. (Bus. & Prof. Code section 6140.7.)

S073155 In re **David Brent Murray** on Discipline

It is hereby ordered that **David Brent Murray** be disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is also ordered to comply with rule 955, California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Business & Professions Code, § 6126, subd. (c).)

S073158 In re **Robert G. Levene** on Discipline

It is hereby ordered that **Robert G. Levene** be disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is also ordered to comply with rule 955, California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Business & Professions Code, § 6126, subd. (c).)

S073159 In re **Samuel Reece** on Discipline

It is ordered that **Samuel Reece** be suspended from the practice of law for three years, that execution of suspension be stayed, and that he be placed on probation for four years on condition that he be actually suspended for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. He is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its decision filed June 24, 1998. It is also ordered that he take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) He is further ordered to comply with rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Bus. & Prof. Code section 6086.10 and are payable in accordance with Bus. & Prof. Code section 6140.7, as amended effective January 1, 1997.

*(See Business & Professions Code, § 6126, subd. (c).)

S073160 In re **James D. Wagner** on Discipline

It is hereby ordered that **James D. Wagner** be disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is also ordered to comply with rule 955, California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Business & Professions Code, § 6126, subd. (c).)